

Remarks

Claims 1 and 3-16 are pending. Claims 1 and 3-16 are rejected. Claims 1, 7 and 10 are currently amended. Support for the amendments can be found at, for example, paragraphs [0009] and [0018].

The Applicant would like to thank the Examiner for the helpful interview of October 7, 2008. The substance of that interview is reflected in this Response. The Applicant also wishes to note that the claims have been amended to recite “and[,]” instead of “and/or” which is in accordance with the Examiner’s helpful guidance.

Claims 1, 3-11 and 13-16 are rejected under 35 USC §103 as obvious over the combination of US ‘116 and US ‘789. The rejection states that US ‘116 teaches a telecommunications system and method for sequentially searching through the real addresses (telephone numbers) according to one of a plurality of time-related sequences until the call is answered. US ‘116 teaches that this is done according to subscriber programmed communication parameters. The rejection states that US ‘116 does not teach storing time-related communication parameters in a memory at each failure “and/or” success in establishing the communication channel (*i.e.* when the call answered). The rejection states that US ‘789 does disclose storing time-related communication parameters in a memory at each failure “and/or” success in establishing the communication channel. The rejection also states that US ‘789 teaches processing the time-related communication parameter stored in memory to determine a new order of time-related sequences for sequentially searching through the real addresses (*e.g.* telephone numbers) based on the correlation. The rejection then concludes that it would have been obvious for one of ordinary skill in the art to combine the teachings of US ‘116 and US ‘789 to achieve methods and a device that minimizes the number of calls necessary to reach a party. The rejection concludes that Claims 1, 3-11 and 13-16 are obvious over the core combination of US ‘116 and US ‘789.

Claims 1, 3-11 and 13-16 are not obvious under 35 USC §103(a) over the combination of US ‘116 and US ‘789. The core combination of US ‘116 and US ‘789 fails to teach all the elements of Claims 1, 3-11 and 13-16. Independent Claim 1 has been amended to recite “storing in a memory, time-related communication parameters concerning each failure in the establishment of a communications channel, and each success in the establishment of a communications channel [(emphasis added).]” Dependent Claims 3-6, 8, 9, 11 and 13-16 are dependent on independent

Claim 1 and include all of its recitations. Independent Claim 7 has been amended to recite “each failure in the establishment of a communications channel, and each success in the establishment of a communications channel [(emphasis added).]” Independent Claim 10 has been amended to recite “each failure in the establishment of a communications channel, and each success in the establishment of a communications channel [(emphasis added).]”

These recitations make it clear that the claimed methods and device perform the step of storing in memory time-related communications parameters concerning “each failure in the establishment of a communications channel” and “each success in the establishment of a communications channel[.]” The step of recording each failure in the establishment of a communications channel is simply not taught or otherwise disclosed by US ‘116 or US ‘789. This means that the combination of US ‘116 and US ‘789 is deficient because this combination fails to teach all of the elements of the claimed methods and device. Consequently, the rejection fails to establish that Claims 1, 3-11 and 13-16 are obvious over this combination of references. The Applicant respectfully requests withdrawal of the rejections under 35 USC §103(a).

Claim 12 is rejected under 35 USC §103(a) as obvious over the combination of US ‘116, US ‘789 and US ‘791. The rejection relies on the core combination of US ‘116 and US ‘789 as discussed above. US ‘798 is cited as teaching that the selective choice is performed according to a least cost routing process. US ‘791 does nothing to correct the deficiencies of the core combination of US ‘116 and US ‘789 discussed above. Consequently, the combination of US ‘116, US ‘789 and US ‘791 also fails to teach all of the elements of the claimed methods and device. This means that the rejection fails to establish *prima facie* obviousness. The Applicant respectfully requests withdrawal of the rejections under 35 USC §103(a).

In light of the foregoing, the Applicant respectfully submits that all the claims are currently in condition of allowance, which is respectfully requested.

Respectfully submitted,



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